DEVINDER SINGH & ORS

v.

STATE OF PUNJAB

SUPREME COURT OF INDIA
ARUN KUMAR J
AK MATHUR J
[APPEAL (CRL) 90 OF 2005]
26 SEPTEMBER 2005

CRIMINAL LAW: *Unnatural death - Suicide - Whether deceased was being taunted and harassed on account of dowry related demands - Section 304B, IPC - Whether appeal had no merit and dismissed*

This was a case of unnatural death of a young lady about two years after her marriage. The appellants herein were one Devinder Singh (her husband), one Swaran Singh (her father in law) and one Pritam Kaur (her mother in law). The deceased was found lying in the kitchen of the matrimonial home smeared with kerosene oil all over the body with a stove, a matchbox and a plastic can found nearby. According to the trial court, it was a case of suicide. The appellants were convicted for offence under s. 304B, IPC and were sentenced to imprisonment for ten years to appellant 1 and seven years each to appellant 2 and 3. The High Court dismissed the appeal of the appellants and maintained the judgment of the trial court regarding conviction and sentence of the accused persons. The case of the prosecution was that the deceased was being taunted and harassed on account of dowry related demands by the appellants which led her to taking her own life. The appellants have denied this allegation. In the present case, all the ingredients of s. 304B, IPC were satisfied, in that it was a case of death of a woman, caused by burns *ie*, it was an unnatural death and the death had taken place within seven years of the marriage. Thus, the argument in the present appeal centered around only the last ingredient *ie*, whether there was cruelty or harassment on account of demands for dowry.

Held:

(1) PW5, father of the deceased, stated that all the three accuseds started ill-treating his daughter about a year after her marriage and had been taunting her that she had brought less dowry. He further stated that they had given threats that if

she did not bring items such as colour tv, a fridge and a cooler besides ornaments, she would be done to death. According to him, about two months prior to the incident, his daughter was turned out from their house by the accused persons after giving her a beating. PW5 had convened a panchayat of respectable persons and took them to the house of the accused along with his daughter. A month earlier to the incident, the victim was sent to her parents' house by the accused persons after giving some beating with instruction to bring back the items which were demanded by them. PW5 testified that he had sent his daughter back to the house of the accused with cash of Rs.1200 and five lady suits. This was followed by the incident on 9 April 1993.

(2) There were numerous dowry related demands by the accused persons. Otherwise there would no reason for a young wife to take the extreme step of ending her life especially when she had a young son about 15 months old and another child in her womb. This court had no reason to disbelieve the testimony of PW5. The trial court rightly observed that the father would not take panchayat of respectable persons to the house of in-laws of daughter without her having problem in living there peacefully.

(3) From these facts, the conclusion was inescapable that the accused made demands for dowry from the deceased and made her life miserable. It became unbearable for her to face the accused persons in such circumstances and she had to ultimately take her life. The High Court had affirmed the findings of the Sessions Court. This court found that there was no reason to differ with the view taken by the courts below. The appeal had no merit and the same was dismissed.

Legislation referred to:
IPC [Ind], s. 304B

JUDGMENT

Arun Kumar J:

[1] This is yet another case of unnatural death of a young lady about two years after her marriage. The name of the deceased is Neelam Kaur. The appellants are Devinder Singh, her husband, Swaran Singh, her father-in-law and Pritam Kaur, her mother-in-

law. The trial court has held that Neelam Kaur died an unnatural death. Her dead body was found lying in the kitchen of the matrimonial home smeared with kerosene oil all over the body. A stove, a match box and a plastic can were also found near the body. According to the trial court, it is a case of suicide. The appellants were convicted for offence under s. 304B, IPC and were sentenced to imprisonment for ten years to the appellant No. 1 and seven years each to appellant No. 2 and appellant No. 3. The High Court dismissed the appeal of the appellants and maintained the judgment of the trial Court regarding conviction and sentence of the accused persons.

[2] The case of the prosecution is that the deceased was being taunted and harassed on account of dowry related demands by the appellants which led her to taking her own life. The appellants have denied this allegation. The deceased left behind a son who was at the time of the incident aged about 15 months. Further it is established from medical evidence of PW1 Dr. G.P.S. Bedi who conducted the post-mortem that she was about 12 weeks pregnant at the time of the incident. For a woman of that young age and having a small child of 15 months old and another in her womb, to take a step of taking her own life, needs great determination and suggests her life would have been made really difficult. She took the extreme step of ending her life because the behaviour of the accused persons must have become unbearable for her. The main ingredients of s. 304B IPC are:

(a) death of a woman

(b) caused by burns or bodily injury or occurs otherwise than normal circumstances

(c) within seven years of her marriage

(d) it is shown that soon after her death she was subjected to cruelty or harassment by her husband or relative of her husband in connection with demand for dowry.

[3] In the present case, all the above ingredients are satisfied except that there is argument about the last ingredient about cruelty or harassment in connection with demand for dowry. It is a case of death of a woman, caused by burns ie, it is an unnatural death and the death has taken place within seven years

of the marriage. Thus, the argument in the present appeal centers around only the last ingredient ie, whether there was cruelty or harassment on account of demands for dowry.

[4] In this connection, it is to be noted that the lady who could be the best person to speak about such demands, as the demands were allegedly made to her, is no more, the only remaining evidence can be that of the parents of the deceased to whom she would be supposed to mention about such demands in order to ascertain if they could meet the same. Jagir Singh, the father of the deceased has appeared as PW5. He has stated that all the three accused started ill-treating his daughter about a year after her marriage and had been taunting her that she had brought less dowry. They demanded colour TV, a fridge and a cooler besides ornaments. He further stated that they had given threats that if she did not brings those items, she would be done to death. He has given specific instances of such demands. According to him about two months prior to the incident, his daughter was turned out from their house by the accused persons after giving her a beating. The lady returned to the house of her parents and told them about the incident. Jagir Singh convened a panchayat of respectable persons of the locality *viz*. S/Sh. Sukhdev Singh, Sohan Singh and Darshan Singh and took them to the house of the accused along with his daughter. All the accused persons were present in the house when these people reached there. The accused were told that in view of the poor financial position of the father of the girl he was not able to meet their demands still he assured that whatever could be possible within his means he will continue to do. With this assurance he left his daughter with the accused persons.

[5] Again, a month earlier to the incident, the victim was sent back to her parents' house by the accused persons after being given some beating with instruction to bring the items which were demanded by them. Jagir Singh told that he sent his daughter back along with his wife to the house of the accused with cash of Rs.1200 and five ladies suits. His wife left her daughter in the house of the accused and came back. This was followed by the incident which took place on 9 April 1993 at about 11-11.30am Jagir Singh learnt about the incident at about 2.30pm. The information was given by the wife of elder brother of Devinder Singh, A1. After getting this information Jagir Singh and his wife

immediately left for Hoshiarpur and on reaching the house they saw the dead body of their daughter lying in the kitchen with burn injuries.

[6] It is worth noting that the incident of panchayat being held and the three panchas being taken to the house of the accused persons is admitted by DW6 Dharam Singh who is defendant's own witness. He said in his cross- examination that it is however, correct that her father had brought the panchayat of respectables to the house of accused about two months earlier to the incident. From this, the learned counsel for the appellant argued that this shows that the dispute stood settled/compromised and thereafter there could be no question of making allegation of dowry related demands. While making this argument, the learned counsel forgets that Jagir Singh, father of the deceased stated again that about a month prior to the incident, the girl had been turned out of the house after being beaten with instructions to bring the demanded articles from her parents. That would show that the dowry related demands by the accused persons continued, otherwise there was no reason for the young wife to take the extreme step of ending her life specially when she had a young son about 15 months old and another child in her womb. We have no reason to disbelieve the testimony of Jagir Singh. In our view, the trial court rightly observed that a father will not take panchayat of respectable persons to the house of in-laws of her daughter without her having problem in living there peacefully. This fact which is admitted by Dharam Singh, DW6, a witness produced by the accused persons, supports the prosecution case that there were demands in connection with dowry made by the accused persons. The prosecution has produced Sukhdev Singh, one of the panchas as PW6. He corroborates the version of Jagir Singh about the dowry demands and the panchayat. From these facts, the conclusion is inescapable that the accused made demands for dowry from the deceased and made her life miserable. It became unbearable for her to face the accused persons in such circumstances and she had to ultimately take her life. The High Court has affirmed the findings of the Sessions Court. We find no reason to differ with the view taken by the courts below. The appeal has no merit and the same is dismissed.